

HOUSE BILL REPORT

ESSB 6396

As Reported by House Committee On:
Higher Education & Workforce Education
Appropriations

Title: An act relating to the accumulation and use of sick leave accrued by part-time faculty.

Brief Description: Modifying the accumulation and use of sick leave accrued by part-time faculty.

Sponsors: Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Kohl-Welles, Schmidt, Pridemore, Keiser, Franklin, Thibaudeau, Spanel and Jacobsen).

Brief History:

Committee Activity:

Higher Education & Workforce Education: 2/23/06 [DPA];
Appropriations: 2/25/06, 2/27/06 [DPA(HEWE)].

Brief Summary of Engrossed Substitute Bill
(As Amended by House Committee)

- Modifies sick leave accumulation policies for part-time academic employees.

HOUSE COMMITTEE ON HIGHER EDUCATION & WORKFORCE EDUCATION

Majority Report: Do pass as amended. Signed by 12 members: Representatives Kenney, Chair; Sells, Vice Chair; Cox, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Buri, Dunn, Fromhold, Hasegawa, Ormsby, Priest, Roberts and Sommers.

Staff: Jennifer Thornton (786-7111).

Background:

In 1996, the State Board for Community and Technical Colleges (SBCTC) convened a task force to conduct a best practices audit of compensation packages and conditions of employment for part-time faculty in the community and technical college system. One of the report's best practices was "to develop/bargain a policy that provides some sick leave to adjunct faculty who have a continuing relationship with the colleges."

Legislation enacted in 2000 requires that part-time academic employees of community and technical colleges: (1) shall receive sick leave in proportion to their teaching commitment at the college; (2) may accumulate such leave after the first quarter of employment by a college

district, which they may take at any time; and (3) shall be eligible for access to Shared Leave and Attendance Incentive programs.

In 2005, the Legislature directed the SBCTC to convene a task force to review and update the best employment practices report written in 1996. The report, published in November 2005, states that, "As college and state employees, part-time instructors should have the same access to employee benefits as provided to full-time faculty, proportionate to assigned workload where appropriate. Examples of state-mandated benefits include retirement plans, health and leave benefits and the dependent care program."

The report found significant improvements since 1996 in allowing part-time instructors to earn sick leave at a rate proportionate to their workload and to participate in the Attendance Incentive and Shared Leave programs. The report also found that agreements have been made through collective bargaining that do not provide for sick leave accumulations to the fullest extent allowed by law. It recommends that local negotiators review sick leave and pay date options and negotiate solutions that provide these benefits to part-time instructors on a basis comparable to full-time instructors.

Leave accumulation policies are negotiated at the campus and district level. To date, some colleges adopted quarterly "use or lose" policies. Less than half of the community and technical colleges apply the same policies as full-time faculty related to the transfer and accumulation of leave.

Summary of Amended Bill:

Part-time academic employees must be allowed to accumulate leave after the first quarter of employment at a college district. They may take this leave at any time. Leave accumulation will not be retroactive.

Amended Bill Compared to Engrossed Substitute Bill:

A reference to Substitute Senate Bill 6356 passing the Legislature and applying it to the community and technical colleges is removed. Substitute Senate Bill 6356 required that governmental agencies spend at least 7 percent of payroll on health care expenditures.

The policy change requiring leave accrual for part-time academic employees cannot be applied retroactively.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This is a simple bill, providing a wording change from "may" to "shall." There is unevenness around the state on sick-leave policies for part-time faculty in relation to their bargaining agreements. The accumulation of sick leave is presently permissive, and this bill will require it on a pro-rated basis. Currently, some colleges allow for accrual, some don't, and some do on a limited basis. The variation in policies also means that some faculty lose accumulated leave if they transfer. It is important for part-time faculty to earn and accumulate sick leave and use their sick leave as needed. This came as a recommendation from the Best Practices Task Force and fills out an important equity issue in the area of benefits.

An interesting element of the bill is the link with the "fair share health care bill," which would require that the SBCTC expend at least 7 percent of payroll on health-care coverage. The title and scope of Substitute Senate Bill 6356 does not match with this one. The issue is also already covered, as the other bill encompasses the SBCTC as a governmental entity, and the SBCTC currently spends just under 15 percent in this area.

Testimony Against: None.

Persons Testifying: Senator Kohl-Welles, prime sponsor; John Boesenberg, State Board for Community and Technical Colleges; and Wendy Rader-Konofalski, Washington Education Association and Washington Federation of Teachers.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Higher Education & Workforce Education. Signed by 29 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Clements, Cody, Darneille, Dunshee, Grant, Haigh, Hinkle, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, McIntire, Miloscia, Pearson, Priest, Schual-Berke, P. Sullivan, Talcott and Walsh.

Minority Report: Do not pass. Signed by 1 member: Representative Chandler.

Staff: Brian Enslow (786-7143).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Higher Education & Workforce Education:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The 2000 Legislature made it possible for part-time employees to earn sick leave, and this bill allows for them to accumulate sick leave and perhaps participate in the shared leave and sick leave cash out programs. The State Board for Community and Technical Colleges doesn't anticipate that part-time faculty will accumulate enough leave to be able to participate in those programs for many years down the road.

The provisions of this bill mirror the recommendation made by the task force on best practices for part-time faculty. It would provide uniform application of sick leave provision for part-time faculty across the community and technical college system. It has minimal fiscal impact and strong bipartisan support.

Testimony Against: None.

Persons Testifying: John Boesenberg, State Board of Community and Technical Colleges; and Gary King, Washington Education Association.

Persons Signed In To Testify But Not Testifying: None.